



TOWN OF

KENSINGTON

FEBRUARY
2003
JOURNAL

February 24th 7:00 p.m. Public Hearing
Variance Request for 10109 and 10111 Frederick Avenue

February 24th 7:30 p.m. Town Meeting
County Council Member Tom Perez
Spring Bilingual Montessori Academy revised proposal for
use of 3514 Plyers Mill Road
Code Amendments

Upcoming Meeting Schedule

March 3, 7:00 p.m. Work Session
March 31, 7:30 p.m. Town Meeting

Events

10th Annual Kensington Community
Yard Sale

Saturday, March 29th
9:00 a.m. – 12:00 noon

For more information, contact the Town Office

If you would like to receive brief e-mail updates regarding Town business please sign up for e-Announcements on the home page of the Town's website (www.tok.org)

Contact us at 3710 Mitchell Street, Kensington, MD 20895
Phone: 301-949-2424; Fax: 301-949-4925;
E-mail: mayor.council@tok.org; Web Site: www.tok.org

Snow Policy

In case of a winter storm, please park vehicles in driveways when possible or park on the even side of the street on even dates and the odd side of the street on odd dates. Also, please place trash curbside.

Remember to clear the walkway in front of your property within 24 hours after a storm. This is a Town Ordinance. We have received complaints that the walkways are not completely cleared. It would be appreciated if you clear walkways wide enough to accommodate strollers.

Maryland Tax Return 2002 Form 502 Resident

One of the major sources of revenue which the Town receives each year is the Town's share of income taxes which each resident pays to the State of Maryland. Remember to write the Town of Kensington in the box marked city, town, or taxing area. This will insure that a portion of your tax dollars will return to the Town.

Building Permits

Addition at 10412 Mannakee Street

Message from the Mayor's Desk

The Mayor attended a Mayors' conference in Annapolis in January. She, with several other Mayors, testified before the House Appropriations Committee about Governor Ehrlich's budget impact to municipalities. The Governor's budget lists an overall increase of aid to local governments by 4.3 percent; however, these increases are limited to education and library programs that have no impact on the services provided by cities and towns.

Several areas in Governor Ehrlich's budget that will effect our Town, and municipalities throughout the state, are the elimination of over 102 million dollars in Highway User Revenues (HUR), the transfer of over 29 million dollars from Program Open Space revenues to the General Fund and elimination of the Community Parks and Playground Program.

According to the Governor's budget, the Town will receive \$30,000 less in HUR in 2003/04 budget; almost 1/3 of the funds we receive as our share for road maintenance. Program Open Space Funds will be cut by almost 50%. This is the program we use for park equipment replacement and upgrade.

The Mayor met with Mr. Caleb Gould, the owner of the cement plant on Metropolitan Avenue, to discuss possible reuse of this site. Mr. Gould is working with Montgomery County and the Town to implement a reuse that is compatible with the commercial area. Keeping in mind the vision of a united north and south, Mr. Gould will present proposed concept plans when they are developed to our Commercial Development Review Committee.

The Mayor attended the last legislative dinner meeting on behalf of the MML. The Mayor was able to attend eight of the nine Chapter meetings and contributed to the presentation of the League's legislative priority package for this session in Annapolis.

The Mayor had several meetings this month with business owners and citizens to discuss issues about requirements for various building permits.

The Mayor attended Governor Ehrlich's State of the State address in Annapolis and met with Lt. Governor Steele on behalf of the MML to share concerns of the municipal governments.

Town Hall Revitalization

During the past two months, we held several meetings on the restoration and revitalization of our Town Hall/Community Center. We are waiting to receive bids on the removal of the lead in our old rifle range, the restoration of the facade, and fire alarm proposal.

Kensington Cabin

The Mayor, with several committee members, met with Gwen Wright of HPC and several staff members of the Park and Planning Commission to discuss the restoration of the cabin. The Mayor requested Park and Planning provide the funds and the Town will execute the work and work along with other groups and individuals in the surrounding areas. Chairman Derick Berlage informed the Mayor that the funding was made available for the Town to perform the cabin restoration.

In attending meetings in Annapolis with key state government officials, the Mayor is able to help build better relations between state and municipal governments. Through continued communication our state officials will be aware of how vital municipal government is to local government. We are the government closest to the people.

Council Member Cowan's Report

We all suffer the impacts of regional growth just about every day. Certainly our broader economic community provides many benefits but these advantages are, in my view, close to being overwhelmed by the dysfunctions wrought by congestion.

The Town of Kensington has little impact on growth beyond our corporate limits but we should at least control land use within our own borders – and we don't. Land use planning, zoning, site plan review, Historic District controls, off-tract improvement requirements, development impact exactions, and more are all functions of county government or its agencies. Given the structure of local government in Maryland this is not likely to change. Nevertheless, there is one tactic of land use regulation through which we can regain at least a modicum of control – the zoning overlay.

Zoning is the principal legal mechanism by which government determines how property will be developed and in Maryland is designed to conform to a Sector Plan. Kensington's Sector Plan was adopted in 1978 and is not due to be updated until 2008. With limited exceptions zoning is a county matter, thus the current zoning requirements for Kensington are nearly identical to those for every other area of the county. Our R-60 residential zone is the same as Silver Springs' R-60 and Bethesda's R-60 and

Poolesville's R-60 etc. Every use permitted in the other R-60 zones is permitted in Kensington as a matter of right. Thus uses like a farm tenant dwelling or doublewide mobile homes are permitted in Kensington.

The existing code permits scores of uses – some we have, some we want and some we would abhor. This cookie cutter, one size fits all approach to zoning can be mitigated by a special set of regulations that apply only to a specific area (e.g. The Town of Kensington) on which such restrictions are overlaid. An overlay zone is close to having your own zoning. We think Kensington should take advantage of this provision to capture greater control of our land use pattern. As remaining vacant parcels are developed and current uses are re-developed we need a much tighter set of restrictions than we now have.

Normally an overlay zone is developed in conjunction with the writing of a new Sector Plan. We intend to move ahead of the county's sclerotic pace to design our own plan and press for its approval from the County Council. I have begun a complete review of our current regulations with the goal of guiding us through our own sector plan update and zoning overlay text amendment. This will require professional assistance if we are to convince the county to adopt our recommendations. As with our traffic plan, such professional consulting will place some strain on our budget. As we enter the budget writing cycle, one of our priorities should be to fund the land use planning and traffic engineering help we will need. We cannot undertake these tasks unaided – we cannot even begin to protect ourselves unless we complete these plans.

Council Member Pfautz's Report

Maryland Municipal League Legislative Committee

I've attended several meetings of the Maryland Municipal League's Legislative Committee. As you may recall from an earlier report, the Legislative Committee approved a legislative program this year focusing on three broad themes

- (1) state house awareness – educating our new legislators about the needs and importance of municipal government,
- (2) public safety - with priority on passage of a bill that will allow local governments to use speed radar cameras (HB 385 was introduced earlier this month by the Montgomery County Delegation), and
- (3) protecting municipal funding at current levels (no small goal in the current economic environment).

Budget and Finance

And speaking of a tight economic environment, as we move into planning for the Town's FY 2003-2004 budget, we must be very mindful that part of our funding comes from state and county allocations/grants. And while the Mayor and MML are working hard to protect our funding levels, we must expect some shortfall in the state and county allocations we have received in the past. To balance these shortfalls - and to comply with new GASB requirements imposed by the federal government - we will have to strictly scrutinize and prioritize needs (in other words, make some hard decisions) and then strictly adhere to budget numbers. As the Mayor, Clerk-Treasurer, and Council works

through presentation of the FY2003-2004 budget, we will continue to do all we can to ensure services in the most cost-effective, efficient manner.

Charter Review

If you have not done so already, please complete the survey circulated in last month's Town Journal regarding a proposed charter amendment. Completed surveys should be turned into the Town Office by Friday, February 21st.

At the February 24th Town Meeting, we will begin the process of amending the Town Code to conform to recent Charter amendments and to include municipal infraction fines.

Arts and Humanities

Kudos to Dan Botkiss for arranging the first in what we hope will be a series of Arts and Humanities programs. Dan's sculptor instructor – Professor Orest Poliszczuk - was our first speaker. The event was well attended despite the cold and snow on January 17th. Check fliers in this and future Journals for upcoming programs. Anyone interested in helping out in this effort, please let me know. Also, as part of the mission of the Arts and Humanities initiative, we'd like to invite local artists, musicians, public servants – current and past – chefs, unsung heroes to speak. If you, or someone you know, would be interested please let us know so we can fill out our schedule. Programs are being planned the last Thursday evening of each month.

Council Member Scharman's Report

Parks - I have been working with David Furman and the engineer to draw up the specifications for the work at St. Paul Park, based on the construction plans which were provided to us and comments on those plans. I attended a meeting with MNCPPC (Park & Planning) concerning plans to renovate the cabin at Kensington Cabin Park. I drafted a statement on park usage which can be included in the Park Management Plan. I will work with the Mayor, Council, and Town staff to develop other sections of this plan.

Trees - We will be developing the spring planting plan this month. We will continue to investigate tree inventory management software and the feasibility of a tree preservation ordinance.

Revitalization Steering Committee - As the Council Member representative on the committee, I am excited about the committee's progress. The last meeting was spent creating a mission statement, specifying the market study area, and beginning to define the general tasks of the committee. Overall revitalization efforts center around defining the community's vision, economic restructuring (retention and recruitment of businesses), promotions (marketing and merchandising), organization (management and structure), and design (physical improvements).

Town Meeting

January 27, 2003

Mayor Raufaste called the Meeting to order at 7:35 p.m. with Council Members Carr, Cowan, Pfautz, and Scharman, Building Inspector Furman, and Clerk-Treasurer Engels. The Pledge of Allegiance was recited. A Moment of Silence was observed.

A public hearing was held on a variance request for 10412 Mannakee Street. John Thompson explained that due to the irregular shape of the lot he was requesting a variance for an encroachment of 6 inches into the Town's 10-foot side lot line setback on the NW side. Comments and questions were addressed from residents and Council.

A public hearing was held on a variance request for 3794 Howard Avenue. A variance was requested to the setbacks required for gas stations in the Town Code, Section 5-105. Robert Lach, Jr., from GTM Architects, along with Robert Orr, owner, presented their plans for an addition to the Kensington Service Station. Lach stated that without a variance it would be impossible to build due to the size of the lot. He also informed the Town that they had been working with HPC and neighboring properties and that an egress easement had been given to the Kensington Row Book Shop. Comments and questions were addressed from residents and Council.

Wajeda Rab, from DHCA, presented plans for Phase III Revitalization of Howard Avenue which will include sidewalks, crosswalks, new driveway entrances, a new streetlamp, three more Town entrance signs, and landscaping behind the wall along Howard Avenue. Ms. Rab agreed to investigate the feasibility of adding a raised crosswalk and/or adding ADA curb ramps in front of 10405 Montgomery Avenue. Subsequently, David Chikvashvili, from DHCA, investigated this and found it not feasible as part of this project.

Representatives from the Spring Bilingual Montessori Academy presented their proposal for use of the property at 3514 Plyers Mill Road. They requested use of St. Paul Park during limited hours and a gate in the fence. Residents expressed concerns over parking requirements, traffic, and available space at St. Paul Park. The Council withheld any decision and will discuss at the next Work Session.

Council Member Cowan informed residents of the traffic engineer's recommendation against the installation of a second speed bump at the stop sign for Calvert Place.

The Audit Committee presented their report. Due to a conflict of interest, Barry Peoples resigned from the Audit Committee.

Marty Durbin, President of Rock Creek Hills Civic Association, expressed their willingness to work together with the Town on common issues such as parks, traffic and extending a bike path.

The Mayor and Council presented monthly reports.

The minutes from the January 6 Work Session were reviewed.

Council Actions

Council Member Cowan moved to approve the variance for 10412 Mannakee Street as requested due to the irregular shape of the lot. Council Member Carr seconded and it passed unanimously with the Mayor concurring.

Council Member Pfautz moved to approve the variance request for 3794 Howard Avenue for a 30 foot setback from the property line along Armory Avenue and the back and side

property line. Council Member Scharman seconded and it passed unanimously with the Mayor concurring.

Council Member Pfautz moved to support plans for Howard Avenue Revitalization Phase III as presented. Council Member Cowan seconded and it passed unanimously with the Mayor concurring.

Council Member Cowan moved to deny the petition to place a second speed bump on Calvert Place and instead increase the current speed bump to County standards and address the need for signage. Council Member Scharman seconded and it passed unanimously.

Council Member Pfautz moved to approve the minutes from the November 18 Town Meeting and December 16 Work Session. Council Member Cowan seconded and it passed unanimously.

Council Member Pfautz moved to approve the minutes from the January 6 Work Session. Council Member Scharman seconded and it passed unanimously.

There being no further business, the meeting adjourned at 9:50 p.m.

Work Session of Mayor & Council

February 3, 2003

The Work Session commenced at 7:00 p.m., Mayor Raufaste, Council Members Carr, Cowan, Pfautz, and Scharman, Code Enforcement Officer Hamilton, Building Inspector Furman, and Clerk-Treasurer Engels, were present and the following issues were addressed:

Jenny Smith, coordinator of Labor Day Parade, discussed 2002 parade expenses. She stated that although total expenses were higher than the previous year, net expenses decreased due to an increase in contributions. The Council supported exploring other bands due to the increasing cost of the University of Maryland Band and requested more food vendors. Chief Moose has accepted the invitation to be this year's Grand Marshall.

New County Council Member Tom Perez, from District 5, was present and informed the Mayor and Council that he is available as a resource to them in the County. He discussed HOC relocation, the Purple Line, and Kensington Parkwood modernization. He is planning to come to the February Town Meeting for resident questions/concerns.

Building Inspector Furman discussed a cost analysis of outsourcing trash collection. The Council concurred to postpone the public hearing and discuss this with the budget planning process and to further define the cost savings in relation to the public works crew.

The Mayor informed the Council that the Town will be receiving less money in the State Highway User Tax in fiscal year 2004 due to budget cuts and that funds in Program Open Space are being eliminated.

Building Inspector Furman discussed the Town's Building Code in relation to projections into the required set back and clarified enforcement of the Code. The Council addressed the complaint letter received from a resident regarding the property at 10109 Frederick Avenue which cited two violations of the Building Code: - a window well and roof extending into the ten foot side yard set back. The Council concurred that the owner needs to request a variance because he is in violation of the Town Code. The Building Inspector will send a letter to all open permits that are in violation of this Code.

Council Member Scharman presented the Mayor and Council with a draft of the park management plan, which included usage guidelines for review and further discussion.

The Council discussed a letter received from the Spring Bilingual Montessori Academy following up on their proposal at the Town Meeting on January 27th to use the building at 3514 Plyers Mill Road for a Montessori School. The Council concurred that based on resident comments concerning traffic, parking and park usage requirements related to this proposed use, it was not in support of the Spring Bilingual Montessori Academy proposal.

The Mayor and Council discussed and updated items on the project list.

The Code Enforcement Action List was reviewed.

The monthly correspondence was reviewed.

A follow up letter will be sent to HOC regarding replacement of basketball backboards and nets.

In response to a letter received from a resident requesting a sidewalk along Armory Avenue, the Council will add it to a list of sidewalks requested for further consideration and prioritization.

The Council supported Council Member Carr's draft letter with a revision to delete suggested solutions to SHA relating to the timing of the light and red light running at Connecticut Avenue and Washington Street.

The minutes from January 27, 2003 were reviewed and corrected.

Council Actions

Council Member Pfautz made a motion to communicate to the Spring Bilingual Montessori Academy that the Council was not in support of its proposed use of the building at 3514 Plyers Mill Road. Council Member Scharman seconded and the motion passed unanimously.

Council Member Carr made a motion to send a letter, as written, to MNCPPC to determine the feasibility of a bike path along the Kensington Parkway corridor. Council Member Cowan seconded and the motion passed with a 3 to 1 vote. Council Member Pfautz opposed the motion.

There being no further business, the meeting adjourned at 10:30 p.m.

Town Walk

Saturday, January 25th

9:30am

Meet at the MARC train station

The Town of Kensington Traffic Advisory Committee invites Town residents to join your neighbors and friends in a morning walk. This is the second of a series of walks on Town streets and sidewalks. We will tour the streets of Metropolitan, Wheatley, Oberon, Mannakee, Kensington Parkway North, and Plyers Mill. The Walk will take about 1 hour and a half. Kids and Strollers are welcome!

The goals of the Town Walk:

- Meet your neighbors
- Get some exercise
- Identify pedestrian and traffic hazards

Additional Town Walks will be held on the fourth Saturday of each month in February (22nd), March (22nd) and April (26th).

For more information, please contact council member Al Carr
phone: 946-4956, e-mail: acarr@aol.com